

REMARKS

Applicant responds hereby to the outstanding Office Action dated October 3, 2007.

Claims 1-21 are pending hereinafter, where claims 1 and 17 are the independent claims.

Response To Drawing Objections

In the outstanding Office Action, the drawings were objected to under 37 CFR 1.83(a), the Examiner stating that the claim 9 language “regenerating provisioning instructions” is not shown in the drawings. In response, applicant has amended Fig. 2 as shown in the replacement drawing sheet for Fig. 2, attached to this writing, to change “Provisioning instructions” (element 233) to Provisioning actions. Applicant respectfully asserts, therefore, that Fig. 2 complies with section 1.83(a), showing all of the features of claims 9 and 10, and requests withdrawal of the drawing objection.

The drawings were also objected to under 37 CFR 1.84(p)(5) because Service Environment Model (229), as shown in Fig. 2, is not found in the Specification, DPE (227), as shown in Fig. 2 is not found, “Provisioning Instructions” (233), as shown in Fig. 2 is not found and Customer domain (813), as shown in Fig. 5, is not found. In response, applicant has amended Fig. 2 as shown in the replacement drawing sheet for Fig. 2, attached to this writing, to change “Service Environment Model” (229) to Concrete Resource Model (229), to change “DPE (227)” to CMPE (227), and to change “Provisioning instructions (233)” to Provisioning actions (233). In addition, applicant has amended Fig. 5 as shown in the replacement drawing sheet for Fig. 5, attached to this writing, to change “Customer Domain 813” to Customer Domain Service Environment 815.

Applicant has amended the Specification in the paragraph beginning at page 11, line 27, to change “service environment 813” to Customer Domain Service Environment 815. Accordingly, the drawings are believed to now comply with 37 CFR 1.84(p)(5), and applicant respectfully requests withdrawal of the stated objections thereunder.

The drawings were also objected to under 37 CFR 1.84(p)(4) because reference numeral “813” has been used twice in Fig. 5. As mentioned above in response to the objections under 36 CFR 1.84(p)(5), applicant has amended “Customer Domain 813” in Fig. 5 to Customer Domain Service Environment 815. Accordingly, the drawings are believed to now comply with 37 CFR 1.84(p)(4), and applicant respectfully requests withdrawal of the stated objections thereunder.

Response to Objections to the Specification

The specification was objected to under 37 CFR 1.75(d)(1) and MPEP 608.01(o), for failing to provide proper antecedent support for “preconditions” in claim 4, and “generating a Resource Manager” in claim 11.

In response with respect to claim 4, applicant respectfully asserts that claim 4 qualifies the claim 2 step of configuring as selecting a provisioning action having all pre-conditions satisfied, and that the claim 4 “selecting a provisioning action having all preconditions satisfied” includes proper antecedent support in the Specification. The antecedent support for “selecting a provisioning action having all preconditions satisfied” is found at the paragraph beginning on line 14 of page 13, and extends through the paragraph beginning at line 8 of page 14. The cited text

references Fig. 7 in detail. Applicant respectfully asserts that the cited text together with Fig. 7 provide clear support that renders the element “selecting a provisioning action having all preconditions satisfied” readily ascertainable, in accordance with 37 CFR 1.75(d)(1) and MPEP 608.01(o).

In response with respect to claim 11, applicant respectfully asserts that the claim 11 element “generating a resource manager” is supported by both Fig. 2, and the written description in the paragraph beginning at line 11 of page 6, which describes Resource Managers (RMs) thoroughly and readily ascertainable, in accordance with 37 CFR 1.75(d)(1) and MPEP 608.01(o). Applicant respectfully requests, therefore, that the objection to the specification for failing to provide proper antecedent support for claims 4 and 11 be withdrawn.

Response to Claim Objections

Claims 15, 16 and 17 were objected to under 37 CFR 1.75(c), as being of improper dependent form, for failing to further limit the subject matter of a previous claim. In response, applicant has cancelled article of manufacture claim 15, without prejudice or disclaimer of subject matter, but respectfully asserts that the program storage device of claim 16, and the computer program product of claim 18, are in compliance with 37 CFR 1.75(c). Both claim 15 and 16 are directed to performing method steps for provisioning in a computing facility infrastructure, the method steps being the same as the method steps set forth in claim 1. As such, claims 16 and 18 fully comply with 37 CFR 1.75(c), and applicant respectfully requests withdrawal of the objections to claims 16 and 18.

Claims 2, 6, 7, 12, 14 and 19 were objected to for informalities including use of “said” knowledge subsystem in claim 2, “an” action in claim 6, “the step of provisioning” in claim 7, “said” resource manager in claim 12, “said” execution specification of claim 14 and “the” concrete model processing engine of claim 19. In response, applicants have amended claims 2, 6, 7, 12, 14 and 19 as shown in the Listing of Claims substantially in accordance with the Examiner’s objections, and respectfully request withdrawal of the objections thereto.

Claims 6, 8 and 9 were objected to because of the phrase at least one of using AND terminology. Applicants respectfully assert that the use of the “at least one of” language in claims 6, 8 and 9 is proper and in compliance with the Rules and the MPEP, and respectfully requests withdrawal of the objections to claims 6, 8 and 9.

Response To Rejections Under 35 USC §101

Claims 15 and 18 were rejected under 35 USC §101. Applicant has cancelled claim 15 without prejudice or disclaimer of subject matter. While the Examiner states that it is unclear what is meant in claim 18 by the term Computer useable medium, applicant respectfully asserts that the skilled artisan would clearly understand its meaning, and not mistake it for energy, which is not a series of steps or acts. See In re Beauregard, 35 USPQ2d 1383 (Fed. Cir. 1995). Applicants, therefore, respectfully request that the rejection of claim 18 under section 101 be withdrawn.

Response To Rejections Under 35 USC §102

Claims 1, 11, 15-18, 20 and 21 were rejected under 35 USC 102(e) as anticipated by US Patent No. 7,050,807 to Osborn. The Examiner asserts with respect to independent claims 1 and 17 that Osborne discloses provisioning in a computing utility infrastructure, the method comprising obtaining a Concrete Resource Model describing a desired resource structure (col. 3, lines 60-67); and using the Concrete Resource Model to generate at least one provisioning action to create a matching resource structure in the computing utility infrastructure (col. 3, lines 60-67).

In response, applicants respectfully asserts that the Osborn text at col. 3, lines 60-67, states that:

“[f]rom information provided in the application specification 34, the application manager 16 also creates an abstract resource description 72 including virtual hardware resource objects 74 which identify application hardware requirements, and which are transmitted to the hardware resource manager 18 and mapped at 76 in the abstraction layer 54 to the available system hardware resources 14, based on the hardware resource interdependency data in the resources specification 78 generated by the hardware resource identifier 19 of the present invention, to create the allocated hardware resources 15 (the object specification 68, the abstract resource description 72 and all other specifications necessary to define an application are subsets of the application specification 34).”

With all due respect, applicant does not find a method or apparatus for provisioning in a computing utility infrastructure comprising (means for) obtaining a Concrete Resource Model

describing a desired resource structure; and (means for) using the Concrete Resource Model to generate at least one provisioning action to create a matching resource structure in the computing utility infrastructure at Osborn's col. 3, lines 60-67. Hence, applicant respectfully requests withdrawal of the rejection of claims 1 and 17 under section 102(e) in view of Osborn. Claims 11, 16, 20 and 21 depend from claim 1 and are patentable therewith; claim 18 depends from claim 17 and is patentable therewith. Hence, applicant further requests withdrawal of the rejection of claim 11, 16, 18, 20 and 21 under section 102(e) in view of Osborn.

Response To Rejections Under 35 USC §103

Claims 2, 3, 7, 8 and 19 were rejected under 35 USC §103(a) as unpatentable over Osborn in view of Patent No. 6,332,023 to Porter, et al. (Porter).

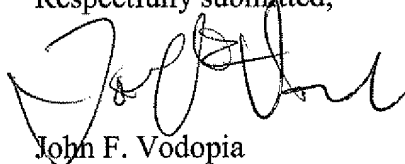
Applicant respectfully asserts that because claims 2, 3, 7, 8 and 19, depend from claim 1, and because claim 1 is patentably distinguishable from Osborn as set forth above in the response to the rejection of claim 1 in view of Osborn under Section 102(e), combining Porter with Osborn still would not realize an invention as set forth in claims 2, 3, 7, 8 and 19. Hence, these claims are patentable under section 103(a) by Osborn combined with Porter for at least the reasons set forth for the patentability of independent claim 1 in view of Osborn under Section 102(e). Applicant therefore requests withdrawal of claims 2, 3, 7, 8 and 19 under section 103(a) over Osborn combined with Porter.

Conclusion

It follows that each of pending claims 1-14 and 16-21 are patentably distinct from Osborn

under section 102(e), and Osborn combined with Porter under section 103(a). If the Examiner believes that a telephone conference with applicant's attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John F. Vodopia', written over the typed name.

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